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EXAMINER
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HAMO, PATRICK

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* FAURECIA COOLING SYSTEMS

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Appeal 2009-006730  
Application 10/799,591  
Technology Center 3700

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Decided: November 2, 2009

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Before RICHARD E. SCHAFER, JAMESON LEE, and  
SALLY C. MEDLEY, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

DECISION ON APPEAL

A. STATEMENT OF THE CASE

This is a decision on appeal by the real party in interest, Faurecia Cooling Systems (“FCS”), under 35 U.S.C. § 134(a) from a final rejection of claims 1, 7, 8, 15, and 16. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

References Relied on by the Examiner

Couetoux et al. (“Couetoux”)                      6,158,979                      Dec. 12, 2000

The Rejections on Appeal

The Examiner rejected claims 1, 7, 8, and 15 under 35 U.S.C.  
§ 102(b) as anticipated by Couetoux.

The Examiner rejected claims 1, 7, 8, 15, and 16 under 35 U.S.C.  
§ 103(a) as unpatentable over Couetoux.

The Invention

The invention relates to a ventilation assembly including a support for mounting a fan motor within a motor vehicle. (Spec. 1:2-6.)

Claim 1 is reproduced below (App. Br. 9 Claims App’x.):

1. A ventilation assembly for a motor vehicle, comprising a fan, a support for mounting the fan in a motor vehicle and means for securing the fan to the mounting support, the fan comprising a helix and a motor for driving the helix in rotation, the securing means comprising a collar for the radial clamping of the motor, wherein the collar is integral with the support.

B. ISSUE

Has FCS shown that the Examiner was incorrect in determining that Couetoux discloses a collar that is “for the radial clamping” of a motor?

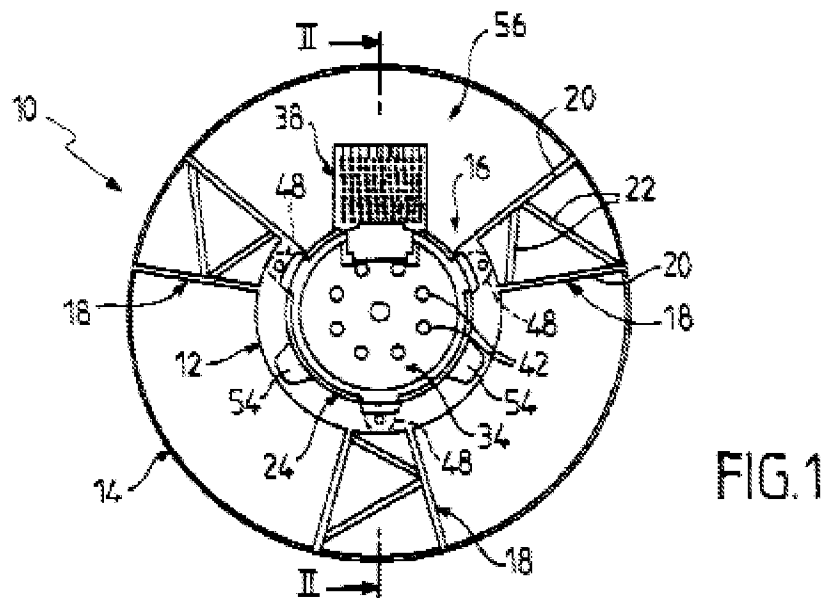
C. FINDINGS OF FACT

1. FCS’ specification describes that a collar that is for radially clamping a motor is characterized by tightening the collar around the motor thereby exerting radial forces directed towards the motor. (Spec. 7:3-9, 21-26; 9:7-12.)

2. The specification discounts a practice of attaching a motor to a support using screws as being disadvantageous when compared with a collar for radially clamping the motor. (Spec. 1:15-2:7.)

3. Couetoux discloses a fixing device 10 in which a motor-fan unit 24 is secured to a support ring 12. (Couetoux 2:56-3:7.)

4. Couetoux's Figure 1 is reproduced below:



The figure above depicts a front view of Couetoux's motor-fan fixing device.

5. As shown in Figure 1, the motor-fan unit 24 includes a circular flange 34 with three fixing lugs 48 through which three screws axially extend and engage the back surface of inner support ring 12 to clamp the motor of the motor-fan unit into place. (*Id.* at 3:35-42.)

#### D. PRINCIPLES OF LAW

Anticipation is established only when a single prior art reference discloses all elements of the claimed invention. *In re Spada*, 911 F.2d 705, 708 (Fed. Cir. 1990).

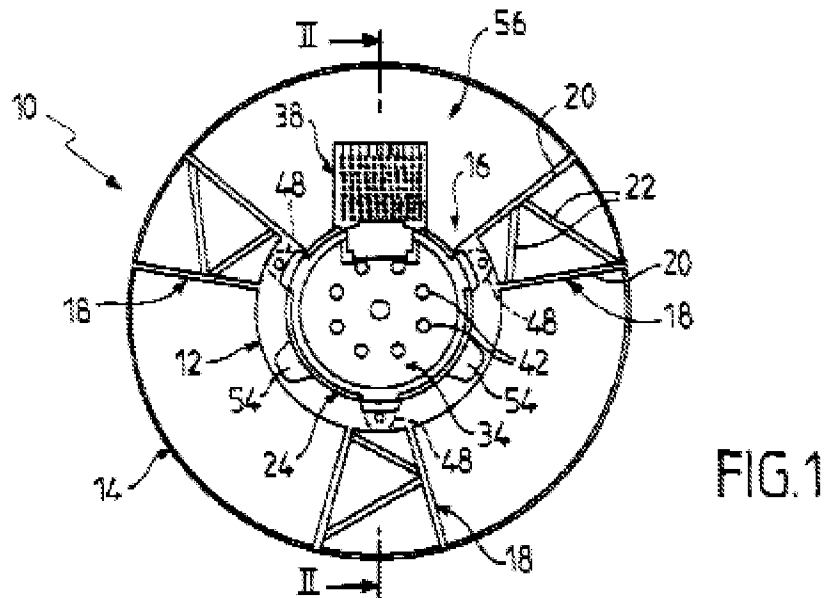
While claim terms are given their broadest reasonable interpretation during examination, that interpretation must be consistent with the specification. *In re Prater*, 415 F.2d 1393, 1404 (CCPA 1969).

E. ANALYSIS

The Examiner rejected claims 1, 7, 8, and 15 as anticipated by Couetoux and claims 1, 7, 8, 15, and 16 as obvious over Couetoux. Claims 1 and 15 are independent. Claims 7, 8, and 16 are ultimately dependent on, and argued collectively with, claims 1 and 15. For each of the anticipation and obviousness rejections, the dispute centers on the requirement in each of claims 1 and 15 directed to a support for a fan motor where the support includes a “securing means comprising a collar for the radial clamping of the motor.” (App. Br. 9.)

Couetoux discloses a fixing device 10 in which a motor-fan unit 24 is secured to a support ring 12. (Couetoux 2:56-3:7.)

Couetoux's Figure 1 is reproduced below:



The figure above depicts a front view of Couetoux's motor-fan fixing device.

As shown in Figure 1, the motor-fan unit 24 includes a circular flange 34 with three fixing lugs 48 through which three screws axially extend and engage the back surface of inner support ring 12 to clamp the motor of the motor-fan unit into place. (*Id.* at 3:35-42.) Thus, the clamping force applied in Couetoux is in the axial direction that the screws extend and not in the radial direction with respect to the motor.

The Examiner interpreted "radial clamping" as "fastening such that movement in the radial direction is inhibited." (Ans. 5:17-18.) The Examiner found that Couetoux's support ring 12 is "for the radial clamping of the motor" because once the motor is screwed to the support ring, it is inhibited from movement in all directions, including the radial direction. (Ans. 5:20-6:15.)

FCS argues that the Examiner's interpretation of radial clamping is unreasonably broad. (Reply Br. 2:1-3.) FCS submits that the limitation of a "collar for the radial clamping of the motor" requires a collar that clamps a motor by exerting a radial force on the motor. (App. Br. 4:17-18.) FCS contends that that radial clamping requirement, when properly interpreted in light of the specification, is not satisfied by Couetoux's disclosure of fixing a motor with screws axially extending into a support ring. (App. Br. 6:3-10.)

We agree with FCS. While claim terms are given their broadest reasonable interpretation during examination, that interpretation must be consistent with the specification. *In re Prater*, 415 F.2d at 1404.

Here, in the context of FCS' specification, a structure that is for radially clamping a member exerts forces in the radial direction inwardly towards the clamped member. In particular, the specification describes that the radial clamping function of a collar is characterized by tightening the collar around the motor thereby exerting radial forces directed towards the motor. (Spec. 7:3-9, 21-26; 9:7-12.) The specification even discounts a type of screw attachment for a motor that is similar to that disclosed in Couetoux as being disadvantageous when compared with a collar for radially clamping the motor. (Spec. 1:15-2:7.) That is, according to FCS' specification, a motor that is secured to a support ring by screws that extend into the support ring through lugs on the motor casing does not include a collar for the radial clamping of the motor. In other words, FCS has disclaimed the specific type of fan attachment described by Couetoux.

In light of FCS' specification, it is inconsistent to regard the screw attachment of a motor disclosed in Couetoux as a structure that is also for radially clamping the motor. Accordingly, we find that Couetoux does not

disclose a collar that is “for the radial clamping” of a motor as is required by FCS’ claims.

For the foregoing reasons, we do not sustain the rejection of claims 1, 7, 8, and 15 under 35 as anticipated by Couetoux. Claims 1, 7, 8, 15, and 16 were also rejected as obvious over Couetoux. However, the Examiner’s obviousness analysis is directed to features other than the radial clamping requirement discussed above and does not account for the radial clamping limitation. Accordingly, we also do not sustain the Examiner’s rejection of claims 1, 7, 8, 15, and 16 as obvious over Couetoux.

F. CONCLUSION

FCS has shown that the Examiner was incorrect in determining that Couetoux discloses a collar that is “for the radial clamping” of a motor.

G. ORDER

The rejection of claims 1, 7, 8, and 15 under 35 U.S.C. § 102(b) as anticipated by Couetoux is **reversed**.

The rejection of claims 1, 7, 8, 15, and 16 under 35 U.S.C. § 103(a) as unpatentable over Couetoux is **reversed**.

**REVERSED**



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Application 10/799,591

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